

# Riverside County Special Education Local Plan Area (SELPA)

## Private School Procedures and Supporting Documents for Addressing the Needs of Students with Disabilities Enrolled By Their Parents in Private Schools

---

### Table of Contents

<b>INTRODUCTION</b> .....	<b>1</b>
<b>KEY DEFINITIONS USED HEREIN</b> .....	<b>2</b>
<b>PRIVATE SCHOOL CONSULTATION</b> .....	<b>2</b>
Legal Requirements	2
Invitation to Provide Input	3
Development of District Private School Protocol	3
<b>PROPORTIONATE SHARE OF FUNDS</b> .....	<b>4</b>
Calculation	4
Sample Calculation	4
Documentation for Fiscal Audit	5
<b>CHILD FIND THROUGH IDENTIFICATION PROCEDURES</b> .....	<b>5</b>
Problem Solving Team Process	6
Procedures for Processing Referrals for Special Education Evaluation	6
IEP Team Determination of Eligibility	6
<b>PROVISION OF SERVICES</b> .....	<b>7</b>
Services via the IEP Process	7
Services via the ISP Process	7
Out of State Children with Disabilities	8
Preschool Children with Disabilities	8
CASEMIS Coding	8
Compliance Monitoring Obligations	10
<b>LIST OF APPENDICES</b> .....	<b>12</b>

### Introduction

There are two major categories of private school students – “publicly placed” and “parentally placed”.

- In the first instance, the educational agency places a student in a private facility in order to meet its requirement of free appropriate public education (FAPE) and the local educational agency (LEA) obligation to serve the student is exactly the same as if the student attended the public school.
- In contrast, the special education rights of the parentally placed private school student are considerably more limited. A parentally placed private school student with a disability does not have an individual right to FAPE. There are no instances when a LEA will be required to provide a service to such a child. However, there are particular obligations that the LEA must fulfill as explained herein.

These SELPA procedures and supporting documents apply to all SELPA member LEAs but not necessarily to other LEAs outside of the Riverside County SELPA boundaries. It is

recommended that each LEA develops a school board policy and procedural administrative regulations whether there is a private school within its boundary or not. To assist in that endeavor, this document (1) explains the key definitions used herein, (2) defines child find through identification procedures, (3) delineates differences in provision of services, (4) describes obligations for meaningful consultation, (5) explains proportionate share, and (6) provides Riverside County SELPA approved forms for documenting and addressing the needs of students with disabilities enrolled by their parents in private schools.

## **Key Definitions Used Herein**

**District of Residence (DOR):** As used in this policy, the District of Residence (DOR) refers to the school district within which the child with a disability resides.

**District of Service (DOS):** As used in this policy, the District of Services (DOS) refers to the school district within which the private school is located.

**Individualized Education Program (IEP):** As used in this policy, the Individualized Education Program (IEP) refers to the DOR offer of a free appropriate public education.

**Individual Service Plan (ISP):** As used in the policy, the Individual Service Plan (ISP) is a plan created by the DOS when a parent voluntarily places an eligible student with a disability in a private school.

**Local Educational Agency (LEA):** As used in this policy, LEA refers to a school district, county office, or charter school.

**Private School Students with Disabilities:** As used in this policy, “private school students with disabilities” mean students with disabilities enrolled by their parents in a private school or facility.

**Private School or Facility:** As used in this policy, “private school or facility” means: (1) private full-time day school pursuant to California Education Code section 48222 (including religious schools); (2) any other California Department of Education (CDE) identified educational institution, program, arrangement, or facility not sponsored, maintained, or managed by the LEA and for which the LEA does not collect average daily attendance funds; (3) CDE authorized private school affidavit. This does not include ‘for-profit’ private schools.

## **Private School Consultation**

“Consultation” involves discussions between the LEA, private school representatives, and parents of parentally placed private school students with disabilities on key issues that affect the ability of eligible private school children with disabilities to participate equitably in federally funded special education and related services. Effective consultation provides a genuine opportunity for all parties to express their views and to have those views considered by the LEA. Successful consultation establishes positive and productive working relationships that make planning easier. This section provides information about private school consultation legal requirements, timelines, sample invitation to provide input forms, development of Private School Protocol, and meaningful consultation affirmation.

## ***Legal Requirements***

To ensure timely and meaningful consultation, a local educational agency shall annually consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for the children. Such consultation shall include:

- (I) the child find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;
- (II) the determination of the proportionate amount of Federal funds available to serve parentally placed private school children with disabilities under this subparagraph, including the determination of how the amount was calculated;
- (III) the consultation process among the local educational agency, private school officials, and representatives of parents of parentally placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services;
- (IV) how, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities, including a discussion of types of services, including direct services and alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and
- (V) how, if the LEA disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the LEA shall provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

The timelines delineated in Appendix C demonstrate how the process occurs during the course of a school year.

### ***Invitation to Provide Input***

LEAs which have a private school within their boundaries must consult with appropriate representatives of the private school and their representative parents of children with disabilities on how to locate, identify, evaluate and provide services to children with disabilities enrolled in private schools.

- Appendix D provides a sample letter for LEAs to use in notifying principals of private schools within their area of the IDEA requirements for their involvement in the design and development of such plans.
- Appendix E provides a Private Schools Service Questionnaire that can be utilized to gather data on enrollment of students with disabilities and their special education service needs.
- Appendix F provides a sample letter and agenda for the Consultation Meeting Regarding Parentally Placed Private School Students with Disabilities.

### ***Development of Private School Protocol***

Annually, meaningful consultation between the private school personnel, parents of students with disabilities enrolled in the school, and special education leaders from the LEA wherein the school is housed leads to a private school protocol. The provision of services shall be provided by employees of a public agency; or through contract by the public agency with an individual, association, agency, organization, or other entity. Special education and related services provided to parentally placed private school children with disabilities, including materials and equipment, shall be secular, neutral, and non-ideological EC §56172(f).

Annually, when the LEA meets with the private school personnel and parents of private school students, a discussion will occur as to developing procedures and practices for the provision of services to students with disabilities enrolled in private schools. This process includes review of the current needs of the students in order for the team to facilitate a decision of which specific special education service(s), materials, and/or equipment(s) will be provided on behalf of the students.

When timely and meaningful consultation has occurred, the LEA shall obtain a written affirmation signed by the representatives of participating private schools. A copy of the affirmation letter and the private school protocol shall be sent to the SELPA.

- Appendix G provides a template for creating a Private School Protocol
- Appendix H provides a Private School Letter of Affirmation Outlining Provision of Special Education Services to send after the protocol is developed

### **Proportionate Share of Funds Will be changing 2016-17**

This section explains the calculation method used by SELPA, the sample calculation for proportionate share, and documentation for fiscal audit.

#### **Calculation**

One time each year a pupil count of the number of eligible parentally placed private school students with an ISP will take place. Each DOS will determine the number and location of parentally placed private school children eligible for special education within the LEA's jurisdiction and report the information in CASEMIS. SELPA then calculates the proportionate share of federal dollars generated from the December 1 pupil count to be allocated to provide special education and related services to private school students.

To calculate the proportionate share that an LEA must spend, the SELPA uses the Federal Part B, IDEA section 611 (6-21 year olds) grant awards and the pupil count from the most recent December 1 count.

#### **Sample Calculation**

FOR SAMPLE DISTRICT:

# of eligible children in public schools	=	300
# of eligible children in private schools (from June 30 count)	=	20
<b>Total # of eligible children</b>	<b>=</b>	<b>320</b>

AT DECEMBER 1 PUPIL COUNT:

# of children served in public schools	=	300
# of children served in private schools	=	5
<b>Total # of public &amp; private children served</b>	<b>=</b>	<b>305</b>

NOTE: 305 is the number turned in to OSEP for children served with IEP or service plan.

FEDERAL FLOW-THROUGH FUNDS TO SAMPLE SCHOOL DISTRICT:

<b>Total allocation</b>	<b>=</b>	<b>\$152,500</b>
-------------------------	----------	------------------

FORMULA FOR CALCULATING PROPORTIONATE SHARE:

$$\boxed{\text{Total Proportionate Share for Private School Children}} = \frac{\boxed{X}}{\boxed{\text{Total Flow-Through Allocation}}} \times \frac{\boxed{\text{Eligible Private School Children}}}{\boxed{\text{Total Eligible Public \& Private School Children}}}$$

NOTE: Proportionate share for parentally-placed private school children is based on total number of children eligible, not the number of children served.

SAMPLE SCHOOL DISTRICT OBLIGATION:

$$\frac{\boxed{X}}{\$152,500} = \frac{\boxed{20}}{320}$$

**X = \$9,531.25 \***

\*This amount must be spent for the group of parentally-placed children in private schools

Based on the calculation of the total number of children with disabilities attending a private school within the DOS’s jurisdiction, each DOS must spend the proportionate share of the DOS’s sub-grant under Part B on services for parentally placed private school children with disabilities during the grant award period 27 of months. Input is provided by the private school representatives regarding type and frequency of services based on Federal dollars received for each student. Parentally placed private school students receive notification about the provision of special education services via the Private School Protocol.

**Documentation for Fiscal Audit**

The Special Education Self Review (SESR) process required by the California Department of Education (CDE) now includes a fiscal audit of the expenditure of special education funds. One of the audit categories is parentally placed private school expenditures. The LEA must review its budget to determine if a proportionate share of IDEA funding has been correctly calculated for parentally placed private school students with disabilities. To be in compliance, the proportionate share of funds must be properly calculated and reported. If noncompliant, the following corrective action must occur: Within 45 days, the LEA wherein the private school is located shall provide evidence that it has identified and properly allocated adequate funds for parentally placed private school special education students.

**Child Find through Identification Procedures**

The 2006 regulations in 34 CFR 300.131(a) provide that each LEA must locate, identify and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA. This includes both the district of residence and the district where the private school is located, as they each hold responsibility for child find. The child find process must be designed to ensure the equitable participation of parentally placed private school children with disabilities and an accurate count of such children. In carrying out this clause, the LEA is required to undertake activities similar to those activities undertaken for the agency’s public school children (i.e., problem solving team documentation of interventions considered and utilized, as appropriate). Such child find process shall be completed in a time period comparable to that for

other students attending public schools in the LEA. Given these obligations, the cost of carrying out child find activities, including individual evaluations, may not be considered in determining whether a local educational agency has met its obligations under private school proportionate share allocations.

**NOTE:** Although OSEP does not recommend it, parents can theoretically request assessment from both the DOS and the DOR. If this occurs, both districts are legally responsible for conducting assessment. DOS and DOR should exchange information, if parents' consent. MOUs may exist between DOS and DOR to designate assessment responsibilities. Appendix A provides a pamphlet explaining the background and procedures for child find and the provision of special education services to students with disabilities voluntarily enrolled in private schools.

### ***Problem Solving Team Process***

Prior to pursuing a formal special education assessment, private schools are encouraged to establish a pre-referral problem solving team intervention process, (i.e., Educational Monitoring Team [EMT], Response to Intervention [RtI], Student Study Team [SST]) to address support within the classroom. Training for this process, including the required forms, will be provided by the district within which the private school is located.

The private school needs to complete the problem solving team process and document interventions considered and/or utilized in the private school setting. A systematic record of the meetings, recommendations, and follow-up services of the pre-referral intervention process should be maintained by the private school to monitor student progress.

If the child continues to struggle and the problem solving team suspects a disability might exist, the private school needs to notify the district wherein they are located (the DOS) of the potential need for an evaluation. The private school will submit copies of the results of the interventions to the DOS on the forms agreed to in the private school consultation meeting process.

### ***Procedures for Processing Referrals for Special Education Evaluation***

The district where the private school is located (the DOS) will initiate a proposed *Assessment Plan with Prior written Notice* and explain the forms to the parent within 15 days of the referral.

The DOS will complete the assessment, including writing a written report, within 60 days of receiving parental consent to conduct the evaluation.

### ***IEP Team Determination of Eligibility***

The LEA that completed the initial evaluation, typically the DOS, shall invite the student's teacher and an administrator from the private school and a representative from the DOR to attend a team meeting to share the assessment results and develop an individualized education program (IEP) by the DOR. The student's eligibility for special education services will be determined by the IEP team.

**NOTE:** Within Riverside County SELPA, the member LEAs will have the flexibility to choose to complete the assessment for their students within LEA boundaries.

However, the parent can potentially ask for assessment by both the DOS and the DOR. If a student is found eligible by the DOS, DOS must provide parents with notice of procedural safeguards advising them of student's right to FAPE from DOR if student enrolls in public school. If DOS assesses, they may send a copy of the report findings to the student's DOR after receiving parent consent.

## **Provision of Services**

There are two ways a student with an identified disability can receive special education services: via an Individualized Education Program (IEP) or an Individualized Service Plan (ISP).

### ***Services via the IEP Process***

Should the student be found eligible for special education services, the student's district of residence (DOR) is responsible for completing the IEP process within 60 days of the parent's consent for assessment. This process includes, among other things, the development of goals to address identified needs, consideration of special factors, supplementary aids and services, and an offer for a free appropriate public education (FAPE) in the least restrictive environment (LRE). When the IEP team has determined that the appropriate services are those provided in a private school setting, such services shall be provided at no cost to the parents. In these instances, the LEA obligation to serve the student is exactly the same as if the student attended the public school.

In other cases, the LEA may complete the IEP process and determine that the offer of FAPE in the least restrictive environment is a public school program. It is important that the parent understand that (1) the IEP will get implemented should the parent enroll their child in the public school setting and (2) that they have no individual right to such services should they maintain their child's enrollment in the private school setting.

When the parent consents to the IEP as appropriate, it is important to note if the parent intends to enroll their child in the public school or maintain the child in the private school setting. In the first instance, the IEP will be implemented upon enrollment in the public school. In the second instance, the parent should consent to the IEP as appropriate and indicate their intent to maintain private school enrollment. Unless the parents unequivocally intend to enroll their child in private school, the DOR should annually offer the child FAPE by developing an IEP and offering service(s). However, when a parent states clearly that they intend to keep the child in private school, the DOR will send a letter memorializing this request in writing and offer to provide the IEP services on the last developed IEP, if and when the child enrolls in the DOR.

No parentally placed private school student with a disability has an individual right to receive some or all of the special education and related services that he/she would receive if enrolled in a public school. No LEA is required to pay for the cost of educating a child with a disability at a private school if the LEA made FAPE available to the child and the parents voluntarily elected to place the child in a private school. At each evaluation and IEP meeting, the parents will be given a copy of the *Notice of Parental Rights and Procedural Safeguards*. Disputes regarding whether a LEA offered FAPE to the child (as well as the initial identification and evaluation of parentally placed private school children with disabilities) may be resolved pursuant to local and state policies and procedures.

### ***Services via the ISP Process***

If the private school where the student is enrolled is within the district of residence boundaries, the DOR shall develop an ISP and is also considered the district of services (DOS). If the private school where the student is enrolled is outside the district of residence boundaries, the DOR shall refer the case to the DOS where the private school is located for development of an ISP. In both cases, the LEA obligation to provide special education services does not go beyond what was agreed to via the private school consultation process as documented in the Private School Protocol.

The DOS will contact the family to develop an ISP for the student. Appendix I contains a Notice of Individual Service Plan Meeting (Form 14a) and Appendix J contains the Individual Service Plan (Form 14). During this meeting, the ISP team will review the offer of FAPE from the DOR

and develop an ISP (Form 14) accordingly. The parent has a right to accept or decline the service offered through the ISP. If the service(s) the student requires are not offered through the Private School Protocol, the DOS still needs to develop an ISP and mark on the ISP form Plan Type 70. If the parents maintain enrollment in the private school, the DOS will invite the parents to attend an ISP meeting to review their child's ISP and progress on an annual basis. A copy of the signed ISP must be provided to the student's DOR.

If possible, all service(s) a student requires on their ISP should be made available at the private school of attendance to minimize the amount of instructional time missed. When this is not possible, the DOS identifies the closest school site wherein such service(s) can be provided.

The DOS is not required to provide services other than those identified and agreed upon in their Private School Protocol. Once the proportionate share funds have been exhausted, the DOS is no longer required to provide services for that fiscal year. If the student is eligible for special education and related services, but is not eligible for services pursuant to DOS Private School Protocol, and the parent wishes to have access to special education services, the DOS will encourage the parents to contact the DOR special education representative to enroll their child in the public school.

**NOTE:** For preschool students on an IEP who transition into a private school kindergarten, an ISP needs to be developed at the beginning of the school year (fiscal year) to transfer services from the IEP to an ISP. Also, if the services offered by LEA changes during the annual private school protocol review, the DOS needs to review the ISPs of students attending a private school to ensure they match the private school protocol.

### ***Out of State Children with Disabilities***

The district where the private school is located conducts child find for all parentally placed private school children, including those children attending who reside out of state. The district where the private school is located determines and pays for equitable participation services provided to out-of state parentally placed private school children with disabilities.

### ***Preschool Children with Disabilities***

Preschool is never considered private school and does not follow any of the private school procedures or requirements. This includes children under the age of six who are parentally enrolled in a private preschool (e.g. KinderCare, La Petite, etc.) instead of a public preschool (e.g. Head Start, State Preschool, etc.). The district of residence is responsible for child find and offering and implementing FAPE on an IEP.

A student enrolled in a transitional kindergarten or kindergarten program at a private school found eligible for special education services is to be maintained on an IEP until age 6. At age six, the student is considered a private school student and the DOR and DOS will follow the private school procedures and requirements. This is true even if the school is a Private Preschool/TK/Kindergarten program. The determination is based on the student's age, not grade level and not the location of the program.

### ***CASEMIS Coding***

The LEA providing the services to a student enrolled in private school is responsible for reporting the student in California Special Education Management Information System (CASEMIS). Table A (Student Data Table) *must* contain the following:

- One record for each student found eligible for and who received special education services.



- One record for each child referred and evaluated but not eligible for special education or related services – June report only.
- One record for each child referred, found eligible, and did not receive special education and related services because parent declined services, child was parentally placed in private school where no ISP services were provided, or “other” reason – June report only.

While all data must be accurately recorded, it is especially important for private school students in the following areas:

#### **A-32 PLAN\_TYPE:**

Definition: The type of plan by which the student is receiving special education services

#### Valid Format & Codes:

10 Individualized Education Program (IEP)

15 Individual Family Service Plan (IFSP)

20 Individual Service Plan (ISP), age six and above

70 Eligible - no IEP, IFSP, or ISP - Parentally placed in private school (student does not need services to be provided using proportionate share or parent declines offer of services to be provided proportionate share)

80 Eligible - no IEP, IFSP, or ISP - other reasons

90 Not eligible for special education or related services

#### **A-36 LAST\_IEP:**

Definition: It is the date when the last IEP, IFSP, or ISP (if the student is placed in a private school by a parent) meeting was held for the student. It can be the student's latest annual or triennial review of the IEP. All data on a student record shall be obtained from the IEP/IFSP/ISP document resulting from this meeting.

#### Valid Format & Examples:

MM/DD/CCYY (DBF format)

05/11/1985 (DBF format)

#### **A-44 FEDSET\_SCH:**

Definition: It is the federal program setting in which the student, age group 6 to 22 only, is receiving or has received special education and related services according to the student's IEP.

#### Valid Format & Codes:

400 Regular Classroom/Public Day School: A program setting that includes at least 50 percent nondisabled children.

450 Separate School: This is a setting where children receive all of their special education and related services in educational programs for greater than fifty percent of the school day in public or private day schools specifically for children with disabilities.

460 Residential Facility: Public and private residential facilities where students reside during the school week and receive special education and related services for greater than 50 percent of the school day. Do NOT include children who receive special education programs at the facility but do not live there.

- 470 Homebound/Hospital: This setting is where students receive special education programs and related services in homebound/hospital environment. Do NOT include children with disabilities whose parents have opted to home-school them and who receive special education at the public expense.
- 480 Correctional Facility: This setting includes students who received special education programs in correctional facilities.
- 490 Parentally Placed in Private School: This setting is where students have been enrolled by their parents or guardians in regular parochial or other private schools and whose basic education is paid through private resources and who receive special education and related services at public expense from a local education agency or intermediate educational unit under a service plan. Include children whose parents chose to home-school them, but who receive special education and related services at public expense. Do NOT include children who have been placed in private schools by the LEA.

### ***Compliance Monitoring Obligations***

Each LEA that has a private school within their boundaries is required to annually review and update as needed the Private School Protocol to determine what service(s) will be offered. Private School Proportionate Share funding runs on a fiscal year, July 1-June 30, not around annual review dates for individual students. When the allocated funds are expended, so is the obligation to provide services to students with disabilities enrolled by their parents in private schools. After the initial offer of FAPE, when the educational rights holder does not provide consent and/or respond to the IEP, the district of residence (DOR) is NOT responsible for making an annual offer of FAPE via the IEP process. The district of service (DOS) reports students with disabilities who attend private schools located within district boundaries in their CASEMIS as one of the following Plan Types (the type of plan by which the student is receiving special education services):

- 20 Individual Service Plan (ISP) – Annual Review Required
- 70 Eligible: no IEP, IFSP, or ISP, Parentally placed in private school (student does not need services to be provided using proportionate share or parent declines offer of services to be provided via proportionate share) – Annual Review recommended if change Private School Protocol to include service for which student is eligible
- 80 Eligible: no IEP, IFSP, or ISP, other reasons or no services delivered – Need for Annual Review meeting determined on individual case-by-case basis
- 90 Not eligible for special education or related services – Annual Review not required

The LEA where the private school is located is legally responsible for conducting reevaluations of children with disabilities enrolled by their parents in a private school located in the LEA. The DOS may consult with the DOR to coordinate such a reevaluation. Under 34 CFR §300.303, an LEA must ensure that a reevaluation of each child with a disability is conducted if (1) the LEA determines that the child's educational or related services needs, in light of the child's academic achievement and functional performance, warrant a reevaluation; or (2) the child's parent or teacher requests a reevaluation. A reevaluation may occur not more than once a year, unless the parent and LEA agree otherwise; and must occur at least once every three years, unless the parent and LEA agree that a reevaluation is unnecessary. (OSERS Q & A Document, April 2011) If the private school suspects another disability and requests additional assessment on a student, the DOS will complete the evaluation. If the DOR is providing special education services as the DOS, the student's CASEMIS data will be collected and reported so the timelines are easy to track. Only the DOS can claim the student for CASEMIS purposes.

A student who is attending private school who does not have a “current” IEP or triennial assessment will continue to be considered eligible for special education until they exit from special education through the assessment process, graduating with a regular high school diploma or reach the age of 22. If a parent/adult student enrolls in a public school from a private school with an outdated IEP/Triennial, the DOR will need to gather new assessment information by offering an assessment plan for updated eligibility determination.

Revised: January 2016; February 2017

## **List of Appendices**

- A. Pamphlet – Provision of Special Education Service to Students with Disabilities Voluntarily Enrolled By Parents in Private School Settings
- B. Private School Timelines
- C. Letter to Private School Principal
- D. Private School Service Questionnaire
- E. Invitation and Agenda for Consultation Meeting Regarding Parentally Placed Private School Students with Disabilities
- F. Private School Protocol Developed from Consultation Meeting
- G. Private School Letter of Affirmation Outlining Provision of Special Education Services
- H. Individual Service Plan (Form 14)
- I. Notice of Individual Service Plan Meeting (Form 14a)

***For more information, contact your local SELPA member district:***

**Alvord USD**  
(951) 509-5045  
**Banning USD**  
(951) 922-0224  
**Beaumont USD**  
(951) 845-1631 x5379  
**Coachella Valley USD**  
(760) 848-1135  
**Desert Center USD**  
(760) 392-7604  
**Desert Sands USD**  
(760) 771-8652  
**Hemet USD**  
(951) 765-5100 x4001  
**Jurupa USD**  
(951) 360-4144  
**Lake Elsinore USD**  
(951) 253-7130  
**Menifee Union SD**  
(951) 672-1851 x271  
**Murrieta Valley USD**  
(951) 696-1600 x1020  
**Nuview Union SD**  
(951) 928-0066  
**Palm Springs USD**  
(760) 416-8402  
**Palo Verde USD**  
(760) 922-4164 x1242  
**Perris Elementary SD**  
(951) 940-4942  
**Perris Union High SD**  
(951) 943-6369 x81300  
**Romoland Elementary SD**  
(951) 926-9244 x1237  
**San Jacinto USD**  
(951) 929-7700 x4249  
**Val Verde USD**  
(951) 940-6104

**Empire Springs Charter School**  
(951) 225-7709  
**Harbor Springs Charter School**  
(951) 225-7709  
**River Springs Charter School**  
(951) 225-7709  
**Santa Rosa Academy**  
(951) 672-2400 x 1210  
**Riverside County Education Academy**  
(760) 863-3111 Indio  
**Riverside County Education Academy**  
(760) 826-4901 Moreno Valley  
**Riverside County Office of Ed**  
(951) 826-6476



**Provision of  
Special  
Education  
Services  
To Students with  
Disabilities  
Voluntarily  
Enrolled by  
Parents  
In Private School  
Settings**

## Background

The 2004 Individuals with Disabilities Education Improvement Act (IDEIA) changed the relationship between public and private schools in regards to students with disabilities and special education.

In order to assist parents of students with disabilities enrolled in private schools, the Riverside County Special Education Local Plan Area (SELPA) has developed this pamphlet, **Provision of Special Education Services to Students with Disabilities Voluntarily Enrolled by Parents in Private School Setting**. This reiterates the federal law and regulations which states that *no private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in the public school system.*

## Procedures

1. If a child is suspected of having a disability, the private school should schedule a problem solving team meeting to discuss concerns and develop an intervention plan. A representative of the district in which the private school is located and the student's district of residence (DOR) should be invited to the meeting if a referral for individualized assessment to determine eligibility for special education is being considered.
2. With parental consent, the DOR will be provided a copy of required documents when a referral for special education assessment is made by the private school.
3. The DOR will convene an individualized education program (IEP) meeting to discuss assessment results. If the student is found eligible for special education, the DOR shall offer a free, appropriate, public education (FAPE) in the least restrictive environment (LRE).
4. For students in grades K-12, if the parent chooses to have their child with a disability attend a private school, the DOR will provide information to the district in which the private school is located, which becomes the district of service (DOS).
5. Only a proportionate share of federal funds is legally available for use on services provided to students with disabilities parentally placed in private schools.
6. Special education services to be provided by the DOS are determined through consultation / collaboration with private school principals and parents of private school students with disabilities. These are described in each district's Private School Protocol, a product of the annual consultation meeting.
7. The Private School Protocol identifies the special education services offered by the DOS to the private school. Not every student with a disability will need the service offered.
8. The DOS will develop an individualized service plan (ISP) for each student with a disability found to qualify for special education services whose parents voluntarily enroll or maintain the child in a private school setting. The ISP will outline the type of service, if any, available in the private school.
9. When private school proportionate share funds are depleted, services may be discontinued for the school year. Services will not be provided on a "per child" basis.
10. For students eligible for special education services, the offer of an IEP and/or ISP will be made annually, with reevaluations conducted at least once every three years.

## PRIVATE SCHOOL TIMELINES

### PLANNING

Month	Action
<b>April</b>	District identifies which private schools to invite to consultation
	District sends invitations to school officials to participate in consultations
<b>May</b>	SELPA estimates federal program funding for following year
	SELPA/District calculates estimated per-pupil allocation for each attendance area
<b>May-June</b>	District sets up initial consultations with school officials who responded to invitation
	District and school discuss child find procedures, special education service options, and strategies for resolving disagreements
	District and private school collaboratively develop Private School Protocol.
	District sends Letter of Affirmation and Private School Protocol to private school administrator, district officials, and SELPA office.
	Private school signs Letter of Affirmation, indicating that consultation occurred.
<b>August-September</b>	District and private schools select which students to serve from eligible student pool and the services available per the Private School Protocol
	District arranges staffing of services - by contract, hiring school personnel, or using district's own personnel
	Individual Service Plans (ISPs) are developed by the District of Service prior to December 1 pupil count
<b>November</b>	District reviews and verifies CASEMIS data to ensure that pupils enrolled in private school are appropriately reported to the SELPA.
<b>December</b>	District of Service identifies eligible private school students with disabilities via CASEMIS data collection
<b>June</b>	District reviews and verifies CASEMIS data to ensure that pupils enrolled in private school are appropriately reported to the SELPA.
	Proportionate share of federal funds for private school students are appropriately expended or carried over (maximum one year)
	Fiscal audit is completed, including documentation on private school students with disabilities

(District Letterhead)

## Letter to Principal of Private School

(Date) \_\_\_ / \_\_\_ / \_\_\_\_\_

To: Principals of Private Schools in Riverside County

From: \_\_\_\_\_ (Special Ed Director) – \_\_\_\_\_ (District)

RE: Special Education Services for Students with Disabilities Attending Private Schools

Federal laws affecting special education and related services provided to students with disabilities in private schools require local educational agencies (LEAs) to receive input from private schools and representative parents of students with disabilities enrolled in private schools within their boundaries regarding the design and development of special education and related services for students regarding the following:

- (i) The child find process and how parentally placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process;
- (ii) The determination of the proportionate amount of Federal funds available to serve parentally placed private school children with disabilities under this subparagraph, including the determination of how the amount was calculated;
- (iii) The consultation process among the LEA, private school officials, and representatives of parents of parentally placed private school children with disabilities, including how such process will operate throughout the school year to ensure that parentally placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services;
- (iv) How, where, and by whom special education and related services will be provided for parentally placed private school children with disabilities, including a discussion of types of services, including direct services and alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made; and



- (v) How, if the LEA disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the LEA shall provide to the private school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

Federal law requires that the amount expended by local district to serve parentally-placed students in private schools shall be equal to a proportionate amount of federal funds made available under Part B provisions of the IDEIA-2004. The IDEIA does not impose an obligation on the state or local districts to spend their money on such services.

In order to facilitate this requirement, a service questionnaire is attached so that you may provide input. Your assistance in providing this information will be most helpful in developing procedures and practices for the provision of services to students with disabilities enrolled in private schools. A pamphlet explaining Provision of Special Education Service to Students with Disabilities Voluntarily Enrolled By Parents in Private School Settings is also enclosed for your information and sharing with parents and school staff members.

Please return the attached questionnaire by (insert date) \_\_\_ / \_\_\_ / \_\_\_\_\_. A meeting will be held on (insert date, time and place) \_\_\_\_\_ to further discuss all your input.

Please invite the parents of students with disabilities to this meeting. Following this meeting, a summary of the results of the input and a description of services to be provided for the upcoming school year will be sent to each private school.

Should you have any questions or have any additional information to provide, please feel free to give me a call at (phone)\_\_\_\_\_.

## PRIVATE SCHOOLS SERVICE QUESTIONNAIRE

Name of private school: \_\_\_\_\_

Name of person responding: \_\_\_\_\_ Title of person responding: \_\_\_\_\_

Name, address and phone number of school district in which Private School is located  
 \_\_\_\_\_  
 \_\_\_\_\_

State Certification # provided by California Department of Education: \_\_\_\_\_

**As of September,** \_\_\_\_\_ *(insert year)*

Total number of students attending the private school: \_\_\_\_\_

Total number of students attending who are suspected of having a disability: \_\_\_\_\_

Total number of students who have been identified as a student with a disability: \_\_\_\_\_

Number on Individualized Education Plan: \_\_\_\_\_

Number on Individual Service Plan: \_\_\_\_\_

Number on 504 Accommodation Plan: \_\_\_\_\_

Please specify the number of students in each disability category currently enrolled in your school that are suspected of and/or identified as having a disability which appears to be adversely impacting their education:

Disability	# Suspected	# Identified	Disability	# Suspected	# Identified
Autism			Blind		
Deaf			Deaf Blind		
Emotionally Disturbed			Hard of Hearing		
Learning Disabled			Visually Impaired		
Intellectual Disability			Multi-handicapped		
Other Health Impaired			Orthopedic Impaired		
Speech Language Impaired			Traumatic Brain Injury		

### DESCRIPTION OF CURRENT SERVICES

Please describe the services students with disabilities who have IEP/ISPs are currently receiving: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

---

Please list suggestions that you may have to assist the District in planning services.  
Suggestions:

---

---

---

---

Please add any comments you may have regarding (I) - (V) of the Individuals with Disabilities Education Improvement Act (IDEIA) referenced in the attached cover letter.

---

---

---

---

Please return this form by \_\_\_ / \_\_\_ / \_\_\_\_\_ to: \_\_\_\_\_ (Special Ed Director)  
at \_\_\_\_\_ (District)

---

(Address) (City, State, Zip)

(District Letterhead)

## Invitation and Agenda for Consultation Meeting Regarding Parentally Placed Private School Students with Disabilities

**Date:** \_\_ / \_\_ / \_\_\_\_\_

Representative of the [insert district name], the [insert private school(s)], and the parents of students with disabilities currently enrolled in a private school are cordially invited to attend a meeting to collaboratively consult regarding the provision of special education services to parentally placed children with disabilities in private schools.

Date: \_\_ / \_\_ / \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

The agenda for the meeting will include the following topics:

- Introductions
- Legal Requirements of IDEIA, 2004 [(Private School (1a))]
- Child Find Procedures
  - Problem solving team practices
  - Referral procedures for special education evaluation
  - Criteria for special education eligibility
- December 1 prior year pupil count
- Determination of proportionate share of special education funding
- Review of Private Schools Service Questionnaires
- Discussion of service options
  - Types and models of service delivery for the upcoming school year
  - Decision making and private school notification
- Strategies for resolving disagreements about services

Please RSVP your intent to participate in this meeting by calling [insert district contact name and telephone number] by \_\_ / \_\_ / \_\_\_\_\_ [insert date].

## Private School Protocol for Students with Disabilities Developed from the Consultation Meeting

District's Name: \_\_\_\_\_

Private School's Name: \_\_\_\_\_

Private School's Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

The following topics were discussed and agreed to at our private school consultation meeting:

What the District's Child Find process is:
How parentally placed private school children suspected of having a disability can participate equitably in the District's special education programs:
How parents, teachers, and private school officials are informed of the District's child find process:
What amount of federal funds is available to parentally placed private school students with disabilities:
How the amount of available federal funds was calculated:
How the District will consult with private school officials and parents of parentally placed private school students with disabilities throughout the year to ensure that such students identified through the child find process can meaningfully participate in special education and related services:
What services the District will offer:
How, where, and by whom the District will provide services:
How and when the above apportionment decisions will be made:
How the District will explain in writing, the reasons for any refusal by the District to provide services, or certain types of services, to the School's students:

\_\_\_\_\_  
Name and Title of Representative of Private School

\_\_\_\_\_  
(date)

\_\_\_\_\_  
Name and Title of the (*enter district name*)

\_\_\_\_\_  
(date)

(District Letterhead)

**Private School Letter of Affirmation  
Outlining Provision of Special Education Services**

Date: \_\_ / \_\_ / \_\_\_\_\_

(Insert school name)  
(Insert school address)  
(City, State, Zip)

Dear (insert private school administrator's name)

Representative of the [insert district name], the [insert private school(s)], and the parents of students with disabilities currently enrolled in a private school held a meeting on \_\_ / \_\_ / \_\_\_\_\_ to collaboratively consult regarding the provision of special education services to parentally placed children with disabilities in private schools.

This collaborative consultation meeting resulted in the attached Private School Protocol for Students with Disabilities.

Please check the appropriate box and sign below:

- I was able to attend and participated in the meeting  
 I was unable to attend but had the opportunity to provide input into the plan

\_\_\_\_\_  
Name and Title of Representative of Private School (date)

Please return this form by \_\_ / \_\_ / \_\_\_\_\_

to: (Special Ed Director)  
(District)  
(Address) (City, State, Zip)

**RIVERSIDE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)  
INDIVIDUAL SERVICE PLAN FOR PARENTALLY PLACED PRIVATE SCHOOL STUDENTS**

*The use and distribution of this form is limited to employees of public school agencies within the Riverside County Special Education Local Plan Area (SELPA)*

**Student's Name:** \_\_\_\_\_ **Birthdate:** \_\_ - \_\_ - \_\_ **Grade:** \_\_\_\_\_ **ISP Meeting Date:** \_\_ - \_\_ - \_\_

**Parent/Guardian/Surrogate Name(s):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Home Phone:** ( \_\_\_ ) \_\_\_ - \_\_\_\_ **Cell:** ( \_\_\_ ) \_\_\_ - \_\_\_\_ **Work Phone:** ( \_\_\_ ) \_\_\_ - \_\_\_\_

**District where private school is located:** \_\_\_\_\_ **District of Residence:** \_\_\_\_\_

**Private School:** \_\_\_\_\_ **Home School:** \_\_\_\_\_

**Private School Phone:** ( \_\_\_ ) \_\_\_ - \_\_\_\_ **District of Residence Phone:** ( \_\_\_ ) \_\_\_ - \_\_\_\_

Student has been found eligible for special education services. By signing this document, the parent/guardian(s) have indicated to the District of Residence (DOR) that they have chosen to unilaterally enroll or continue to enroll the student in a private school without the consent of, referral by, or at expense of the District. It is further acknowledged that the DOR has offered to develop an IEP when the student's parent/guardian(s) express an interest in enrolling the student in public school. The parents understand in accordance with IDEA 2004, their rights to due process do not apply in the private school setting.

**Summary of Present Levels as identified in the IEP:**

**Area(s) of need as identified in the IEP:**

**Services:** The District of Service (DOS) is not required to provide services other than those identified and agreed upon in their Private School Protocol. The DOS will provide the special education service(s) below for the student while enrolled in private school or until the proportionate share of federal funds have been expended for the current school year.

Special Education Service	Frequency	Duration	Location	Start Date	End Date	Service Provider
				__ - __ - __	__ - __ - __	
				__ - __ - __	__ - __ - __	

**Check only one of the following:**

Student's parents have accepted the district's offer of a Service Plan. [Plan Type 20]

**OR**

Student's parents have declined the district's offer of a Service Plan or the student does not need the service provided via proportionate share per the District of Service's Annual Private School Protocol. [Plan Type 70]

**Parent:** \_\_\_\_\_ **Date:** \_\_ - \_\_ - \_\_

**DOS Representative:** \_\_\_\_\_ **Date:** \_\_ - \_\_ - \_\_

**Other:** \_\_\_\_\_ **Date:** \_\_ - \_\_ - \_\_

**Next Annual Review by:** \_\_ - \_\_ - \_\_

**Triennial Review Due By:** \_\_ - \_\_ - \_\_

**Copy of signed ISP to be provided to the student's District of Residence.**

NOTICE OF MEETING

INDIVIDUAL SERVICE PLAN FOR PARENTALLY PLACED STUDENTS IN PRIVATE SCHOOL

The use and distribution of this form is limited to employees of public school agencies within the Riverside County Special Education Local Plan Area (SELPA)

1st attempt  2nd attempt  3rd attempt

Student's Name: \_\_\_\_\_ Birthdate: \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_

Address: \_\_\_\_\_

Dear \_\_\_\_\_, Today's Date: \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_

An Individual Service Plan (ISP) Meeting has been scheduled for the above student. Your participation is important in the development of an ISP. During this meeting there will be a review of your child's ISP and progress. This review must be held annually. Your child may participate in the development of the ISP.

You are requested to attend this meeting as a participating member of the ISP team. The meeting is scheduled for:

ISP Meeting Date: \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_ Time: \_\_\_\_\_ Begin: \_\_\_\_\_ End: \_\_\_\_\_

School / Location: \_\_\_\_\_ Room: \_\_\_\_\_

We anticipate that the following members will also attend:

- Private School Administrator/Designee  District of Service Administrator
- Private School Teacher  Student  Other: \_\_\_\_\_
- Special Education Teacher  Specialist  Other: \_\_\_\_\_

If you would like further information about your Procedural Safeguards or the purpose of this meeting, please call:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

School / District: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

Please complete and sign this form, and return to: \_\_\_\_\_

Check the following items, as appropriate:

- I plan to attend the meeting  I require assistance of an interpreter (language): \_\_\_\_\_
- I do not plan to attend the meeting, but am available by teleconference at: (\_\_\_\_) \_\_\_\_ - \_\_\_\_
- I request a different time and/or place. Please call me at: (\_\_\_\_) \_\_\_\_ - \_\_\_\_
- NO**, I cannot attend the meeting or participate by teleconference, but hereby give my permission for the meeting to be held without me (CFR 300.322d). I understand the ISP and related documents from this meeting will be provided to me for my signature, and I agree to return them in a timely manner.
- NO**, I cannot attend, but I will send \_\_\_\_\_ as my representative to speak for me. I understand the ISP and related documents from this meeting will be provided to me for my signature, and I agree to return them in a timely manner.

Please list any additional attendees: \_\_\_\_\_

Parent/Guardian/Surrogate/Adult Student: \_\_\_\_\_ Date: \_\_\_\_\_